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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/534,164	05/05/2005	Matthias Muth	DE02 0252 US	9960

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EXAMINER	
ZAMAN, FAISAL M	

ART UNIT	PAPER NUMBER
2111	

NOTIFICATION DATE	DELIVERY MODE
02/22/2011	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

ip.department.us@nxp.com

Advisory Action Before the Filing of an Appeal Brief	**Application No.** 10/534,164	**Applicant(s)** MUTH, MATTHIAS	
	Examiner Faisal M. Zaman	**Art Unit** 2111	

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 09 February 2011 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:
   a) ☐ The period for reply expires _____months from the mailing date of the final rejection.
   b) ☒ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

   Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because
   (a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);
   (b) ☐ They raise the issue of new matter (see NOTE below);
   (c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
   (d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

   NOTE: _____. (See 37 CFR 1.116 and 41.33(a)).
4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).
5. ☐ Applicant's reply has overcome the following rejection(s): _____.
6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
7. ☐ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.
   The status of the claim(s) is (or will be) as follows:
   Claim(s) allowed: _____.
   Claim(s) objected to: _____.
   Claim(s) rejected: _____.
   Claim(s) withdrawn from consideration: _____.

AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).
9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing a good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because: See Continuation Sheet.
12. ☐ Note the attached Information *Disclosure Statement*(s). (PTO/SB/08) Paper No(s). _____
13. ☐ Other: _____.

/Faisal M Zaman/
Primary Examiner, Art Unit 2111

Continuation of 11. does NOT place the application in condition for allowance because: AAPA, Feuerstraeter, Bongiorno, and Werle teach all of the limitations of the claims, as discussed in the Final Office action.

Regarding Claims 1 and 6, Applicant argues that the provided motivation does not provide "further explanation or mention of any application which the so-called simplification would supposedly provide any specific benefit to any LIN-directed implementation". (Response, page 5, fourth paragraph). The examiner disagrees. Contrary to Applicant's argument, the Final Office action did in fact provide a reason as to why there would be a simplification of the AAPA system (i.e., "for the purpose of simplifying the ultimate system design; i.e., so that circuit designers could specify one integrated circuit rather than having to combine several circuits"). To reiterate the entire point of the 35 USC 103(a) combination, AAPA states that all of the claimed components were known in the prior art (see, e.g., page 2, lines 11-14 and lines 23-28). The purpose of the combination was to show that providing all of the claimed components into a single integrated circuit was known in the art (as taught by Feuerstraeter). Accordingly, it would have been obvious to one of ordinary skill in the art to incorporate the teachings of Feuerstraeter with AAPA, for the motivation provided in the Final Office action. It is also noted that the current rejection (i.e., AAPA in view of Feuerstraeter) has previously been affirmed by the Board (see Board decision of 1/12/2010). The only reason why the decision on reconsideration of 6/2/2010 was granted was because the Board had determined that the rejection of AAPA in view of Feuerstraeter (as presented in the Board decision of 1/12/2010) was a new ground of rejection (i.e., because the original rejection also relied upon the reference Ishikuri) and Applicant was not given a fair chance to response to that specific ground of rejection.

Regarding Claims 2 and 3, Applicant argues that the provided motivation is "conclusory and uses circular reasoning" and the "AAPA reference would already have a more stable oscillator in the form of a clock driver circuit". (Response, page 6, first and third paragraphs). However, AAPA does not specify how the clock is generated, and therefore it is unclear as to how Applicant believes such a clock is more stable than an RC oscillator. Nevertheless, even if it was assumed that the combination of AAPA with Feuerstraeter taught a clock source which had a higher stability than an RC oscillator, the advantages of RC oscillators over such other clock sources (e.g., crystal oscillators) are known in the art. For example, RC oscillators are easier to implement and can be provided at a lower cost. In addition, RC oscillators have a shorter start-up time compared to crystal oscillators. Accordingly, although it is believe that the motivation that was previously used was adequate, these additional motivations further show that the combination would have been obvious to one of ordinary skill in the art.

Regarding Claims 4 and 5, Applicant argues that the motivation used in the combination was improper because "there is nothing apparent from the record that would raise a need to reduce latency particularly given the AAPA reference's rate-synchronous slave nodes". (Response, page 6, fourth and fifth paragraphs). To further clarify the examiner's position, the examiner was assuming the situation in which the incoming data stream was produced at a rate that was much lower than what the receiving device was able to process. By buffering the data and only receiving complete messages (rather than individual bytes), the receiving device would be able to reduce its latency in receiving the data. Additional advantages of buffering are also well known in the art. For example, in the event that a device cannot process the incoming data stream at the rate at which it is input, buffering allows the data to be stored rather than discarded so that the receiving device can process it at its own will. AAPA teaches that slave nodes having to receive data asynchronously (i.e., at different clock rates) was a known problem (see page 1, lines 7-12), and therefore the advantages of buffering would apply.

Therefore, the claims stand as previously rejected.